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09/607,841	06/30/2000	Paul Marie Pierre Gavarini	BEES.001A	2341

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

[REDACTED] EXAMINER

NGUYEN, CUONG H

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3625

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No. <b>09/607,841</b>	Applicant(s) <b>Gavarini</b>
	Examiner <b>Cuong H. Nguyen</b>	Art Unit <b>3625</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 4/02/201 (the 2nd IDS).

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-14 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-14 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 5      20)  Other: \_\_\_\_\_

## DETAILED ACTION

1. This Office Action is the answer to the communication received on 4/02/2001 (the IDS).

### Status of the Claims

2. Claims 1-14 are pending in this application.

### Priority

3. This application has a priority date of 6/30/2000 (same as this application date since related applications/patents are about different subject matters, see S.N. 60/123,509, 60/129,815, 09/111,239, and 09/328,542).

### Drawings

4. This application has been filed with informal drawings which currently are acceptable for examining purposes.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed

before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

5. Claims 1-2, 5 are rejected under 35 U.S.C. § 102(e) as being anticipate by **Bowman et al.** (US Pat. 6,169,986).

A. Re. claims 1, 5: **Bowman et al.** teach a method/system using a computer system connecting to a network, comprising steps of:

- receiving a search query from a user (see **Bowman et al.**, Figs. 1-2, & 4).
- applying the search query to an electronic catalog to generate a search results list (see **Bowman et al.**, Figs. 9, please note that **Bowman et al.** inherently teach about searching an electronic catalog of amazon.com).
- displaying search results list to the user for viewing (see **Bowman et al.**, Fig.4 – refs. 430-440, & Fig.6).
- presenting the user an option to save the query (see **Bowman et al.**, the abstract, please note that for searching, a user uses a computer with Windows software that having claimed capability of this option: saving a search query with a name).
- The examiner submits that **Bowman et al.** also teach a structure to perform above limitations (of claim 1) in his invention as claimed in pending claim 5.

B. Re. claim 2: The rationales and reference for rejection of claim 1 are incorporated.

**Bowman et al.** further teach that before saving a search query the user must enter a name/password (e.g., for identification purpose), (see **Bowman et**

al., Fig.1 – this feature is inherent in user computer 's MS Windows operating system software).

**6. Claim 10 is rejected under 35 U.S.C. § 102(e) as being anticipate by Hartman et al. (from amazon.com, Inc.), US Pat. 5,960,411.**

Hartman et al. teach a method for facilitating the generation of an order of multiple items from an electronic catalog of items, comprising: presenting a user an option to view the electronic catalog using multiple browsing modes (these browsing modes are selective from said user) to find an item, each browsing mode providing a respective method for identifying desired items in the catalog (see Hartman et al. 1:54-60, and 2:17-43); within each of the browsing modes, providing the user an option to select and specify quantities of items for prospective purchase (see Hartman et al. 1:26-30, and 1:46-60); and when the user views an item that has been selected for prospective purchase within any one of the browsing modes, automatically displaying a corresponding purchase quantity for the item (see Hartman et al. 3:60-64).

Amazon.com, Inc. have been used this method for its business practices in website <http://www.amazon.com>.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

**7. Claims 3- 6, 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman et al. (US Pat. 6,169,986), in view of the Official Notice.**

A. Re. to claim 3: The rationales and reference for rejection of claim 1 are incorporated.

The Official Notice is taken that MS Windows having features to storing a search query as defined by a user (e.g., a specific search command); and a user can browse a catalog of amazon.com website using said stored search query (e.g., for non-fiction books vs. fiction books categories.etc.), and using merchant-defined categories (e.g., books vs. electronic equipment categories from amazon.com).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine amazon.com, Inc.'s business practice with the taken Official Notice because it would make the search process being organized and time-saving in looking for specific ordering/searching items.

B. Re. to claim 4: The rationales and reference for rejection of claim 1 are incorporated.

The Official Notice is taken that **MS Windows operating system software** having features to storing and comparing a search query as defined by a user; and a user can browse a catalog of amazon.com website using stored search query (e.g., querying for non-fiction books vs. fiction books .etc.), and using defined categories in browsing (e.g., books vs. electronic equipment categories from <http://www.amazon.com>).

Rivette et al. (US Pat. 5,950,214) also disclose about APS at USPTO (see Rivette et al., 14:65 to 15:10), APS patent searching practices at USPTO also helped examiner/user to comparing a search query to stored history of queries submitted by the user/examiner to search for substantially-identical query submissions (simply by looking at past queries of the same application for patent in searching, and use it again by indexing search or “cut/paste” .etc.); and

- using identical query submissions, (and save them for later uses) to generate a personalized category for the user (it is an analogous step of using “bookmarks” feature in Netscape (or “My favorite”) for storing/retrieving an Internet address).

The examiner submits that above examiner’s task (in APS) is analogous to what a computer-user performing in searching.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a save query option in amazon.com, Inc.’s business practice and USPTO’s APS for retrieving past queries because it provides more convenient and saving time in searching.

C. Regarding claim 5: It contains features that are equivalent to method claims 1-3 ;note that amazon.com, Inc. & USPTO ‘s APS software also teach:

- a database which contains an electronic catalog of items,
- a computer system coupled to the database and to a computer network;
- a software system which runs on the computer system and provides functions for users to (1) formulate queries for searching the catalog, (2) assign names to individual queries, and (3) store the queries for subsequent use using said names; the examiner submits that USPTO used APS in patent searching

with functions of editing, word-processing, naming queries, and storing queries using said names having above claimed limitations. Therefore, it is rejected on 35 USC 103(a) with similar rationales and references set forth of claims 1-3.

D. Re. to claim 6: The rationales and reference for rejection of claim 5 are incorporated.

USPTO's APS software also helped examiners to compares queries submitted by the same user/examiner to identify query resubmission events (see also **US Pat. 6,460,034**), and uses the query resubmission to automatically create categories for user/examiner (e.g., a "named" subject of a searched content); this would save a lot of time for typing and consultation (of a previous query).

Although this task is not automatically, the examiner submits that it would be obvious in programming field for making it programmable for this "automatically task" because all the claimed works were analogously performed by amazon.com, Inc., in view of APS patent searching practiced at USPTO.

E. Re. to claim 13: The rationales and reference for rejection of claim 5 are incorporated.

Amazon.com Inc. teaches a method for facilitating the generation of an order from a catalog of items, comprising:

- monitoring and recording selections of items by a user for prospective purchase (see **Hartman et al. 6:46-50**) (i.e., a customer profile of past purchases/searches from <http://www.amazon.com>);
- generating a list of items which is responsive to submission by the user of a query for searching the catalog (see **Hartman et al. 1:10-45**) (see also <http://www.amazon.com> for an interactive feature reflecting that claimed limitation); and

- presenting the list of items to the user together with corresponding quantities values which indicate quantities of items selected for prospective purchase (see Hartman et al. 1:26-30, and 1:46-60) (see also <http://www.amazon.com> for an interactive feature reflecting that claimed limitation).

Please note that this following phrase (in claim 13) is belong to "intend of use"; therefore, it contributes very little weights in claim's interpretation for consideration. i.e., "the method thereby allowing the user to browse the catalog while keeping track of the items selected for prospective purchase and their respective quantities".

**F. Re. to claim 14:** The rationales and references for rejection of claim 13 are incorporated.

The examiner submits that Amazon.com, Inc. business practice teaches a method for facilitating the generation of an order from a catalog of items, comprising:

- presenting a list comprises displaying a form in which the quantity values are displayed in item-specific fields that can be edited by the user. It is obvious that at a checkout register, a user can modify/edit item's quantity that he wants to purchase (see <http://www.amazon.com> for an interactive feature reflecting that claimed limitation). This feature is old and well-known in Internet item orderings.

**8. Claims 7- 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over amazon.com, Inc., in view of examiner's searching practices using APS software at USPTO before 1999.**

**A. Re. to claim 7:** amazon.com, Inc. have been practiced the following steps in its well-known website <http://www.amazon.com> since 1996:

- providing a first user interface (i.e., an email server from USPTO website) through which an examiner/buyer places orders with a seller (i.e.,

<http://www.amazon.com>) and views the status of such orders at <http://www.amazon.com> (for an interactive feature reflecting that claimed limitation), the first user interface including an option for the buyer to generate and send messages to the seller (amazon.com, Inc.) that are linked to a particular order (see <http://www.amazon.com> for an interactive feature reflecting that claimed limitation);

- providing a second user interface (i.e., an email server from amazon.com) through which the seller views and updates the status of such orders, the second user interface including an option for the seller to generate and send messages to the buyer that are linked to a particular order (see <http://www.amazon.com>); and
- in a second interface, <http://www.amazon.com> obviously displaying a log of the messages that are corresponding to a selected order (see US Pat. '989, including messages generated by the buyer and messages generated by the seller for controlling/managing communication back and forth between a buyer and amazon.com) for amazon.com, Inc. record keeping managements.

Although amazon.com does not expressly disclose these interfaces, the examiner submits that email communications back-and-forth between a buyer and amazon.com, Inc. show that these servers have been involved in <http://www.amazon.com> 's practice.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine amazon.com, Inc.'s business practice with USPTO's data communication networks to involve the use of email interfaces for communications in amazon.com Inc.'s practice. This way of communications

help both parties to keep records, cheap and easy way for communications about specific ordering/searching items.

**B. Re. to claim 8:** amazon.com, Inc., suggest everything claimed as applied above (see claim 7), in addition amazon.com, Inc. interactively displaying a log in a summary format in which portions of the messages are omitted.

The examiner submits that displaying a status relating to buying an item analogously perform similar steps of displaying a log; amazon.com, Inc. only need to display important status wherein portions of a message are omitted to save processor's time and storage space since said message represents that communications have been recorded.

**C. Regarding claims 9:** It is a system claim having features analogous to said method claim 7; therefore, it is rejected on 35 USC 103(a) with similar rationales and references set forth.

**D. Regarding claim 12:** It is a system claim having features analogous to said method claim 10; therefore, It is rejected on 35 USC 103(a) with similar rationales and references set forth.

**9. Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartman et al. (US Pat. 5,960,411) , in view of the Official Notice.**

The rationales and reference for rejection of claim 10 are incorporated.

The Official Notice is taken that it is obvious that multiple browsing modes would include (1) a search mode in which users generate and submit queries for searching a catalog (e.g., a user search on Internet for a Lexus 300RX

automobile, model 2000), and (2) a category-based mode in which users browse the automobile catalog using preexisting item categories (e.g., a user searches a luxury SUVs comprising Lexus, Mercedes, Acura .etc.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine amazon.com, Inc.'s business practice (i.e., Harman et al.) with above Official Notice (either searching an Internet catalog by car model, or a SUV category). This way of browsing would make a search session looks easy to look for specific ordering/searching items.

### Conclusion

10. Claims 1-14 are not patentable.

11. The attached prior art are pertinent to claimed subject matter of this pending application.

- Jean-Francois Gauvin, titled "References to Go", Econtent, Oct-Nov., 1999 (15 pages, from <http://www.findarts.com>).
- Deborah Lynne Wiley, titled "Cited references on the Web: a review of ISI's Web of Science", Searchert, Jan. 1998 (14 pages, from <http://www.findarts.com>).
- Jean-Francois Gauvin, titled "References to Go", Econtent, Oct-Nov., 1999 (15 pages, from <http://www.findarts.com>).
- Richard Wiggins, titled "Plateaus, Peaks, and Promises: The Infonortics '98 Search Engines Conference", Searcher, June 1998 (18 pages, from <http://www.findarts.com>).

- Shira Levine, titled "The case for self-serve care", America's Network, Jan. 1 1999 (6 pages, from <http://www.findarts.com>).
- Abstract of Using Combination of Evidence for Term Expansion, Wilkinson, Information Retrieval Research, Proceedings of the 19.sup.th Annual, BCS-IRSG Colloquium on IR Research (1997).
- Abstract of Inquirus, the NCI Meta Search Engine, Lawrence and Giles, Computer Networks and ISDN Systems Conference Title: Comput. Netw. ISDN, Syst. (Netherlands) vol. 30, No. 1-7, pp. 95-105 (1998).
- Abstract of Facilitating Complex Web Queries Through Visual User Interfaces and Query Relaxation, Li and Shim, Computer Networks and ISDN Systems, Conference Title: Comput. Netw. ISDN Syst. (Netherlands) vol. 30, No. 1-7, pp. 149-159 (1998).
- A User-centred Evaluation of Ranking Algorithms for Interactive Query Expansion, Efthimiadis, Proceedings of the 16.sup.th Annual International ACM SIGIR Conference, Pittsburgh, pp. 146-159 (1993).
- Concept Based Query Expansion, Qiu and Frei, Proceedings of the 16.sup.th Annual International ACM SIGIR Conference, Pittsburgh, pp. 160-169, (1993).
- Improving Retrieval Performance by Relevance Feedback, Salton and Buckley, J. of Am. Society for Info. Science 41(4):288-297 (1990).
- Query Expansion Using Domain-Adapted, Weighted Thesaurus in an Extended Boolean Model, Kwon, Kim and Choi, Proceedings of the 3.sup.rd

International Conference on Information and Knowledge Management  
(CIKM'94), pp. 140-146 (1994).

- Browsing Through Querying: Designing for Electronic Books, Charoenkitkarn, Tam, Chignell and Golovchinsky, at the 5.sup.th ACM Conference on Hypertext, Seattle, WA 206-216 (1993).
- A Survey of Information Retrieval and Filtering Methods, Faloutsos and Oard, Univ. of Maryland, 22 pages (undated).
- A Corpus Analysis Approach for Automatic Query Expansion, Gauch and Wang, Proceedings of the 6.sup.th International Conference on Information and Knowledge Management, pp. 278-284 (1997).
- Discovering Web Access Patterns and Trends by Applying OLAP and Data Mining Technology on Web Logs, Zaiane, Xin and Han, Proceedings of the IEEE Forum on Research and Technology Advances in Digital Libraries (IEEE ADL'98), pp. 19-29 (1998).
- Bartell et al., "Automatic Combination of Multiple Ranked Retrieval Systems", Proceedings of SIGIR'94, Jul. 1994, pp. 173-181, Jul. 1994.
- Belkin et al., "The Effect of Multiple Query Representations on Information System Performance" Proceedings of SIGIR'93, Jun. 1993, pp. 339-346,
- Shaw et al., "Combination of Multiple Searches", Proceedings of TREC-3, Apr. 1995, pp. 105-108, Apr. 1995.
- Towell, et al. "Learning Collection Fusion Strategies for Information Retrieval", Proceedings of the 12.sup.th Annual Machine Learning Conference, pp. 540-548, Jul. 1995.

- US Pat. 5,852,820 (Burrows) filing date 8/09/1996 for "Method for optimizing entries for searching an index".
- US Pat. 5,864,845 (Voorhees, et al.) filing date 6/28/1996 for "Facilitating world-wide-web searches utilizing a multiple search engine query clustering fusion strategy".
- US Pat. 5,864,846 (Voorhees, et al.) filing date 6/26/1996 for "Method for facilitating world-wide-web searches utilizing a document distribution fusion strategy".
- US Pat. 5,918,014 (Robinson) filing date 12/26/1996 for "Automated collaborative filtering in world-wide-web advertising".
- US Pat. 5,920,854 (Kirsch, et al.) filing date 8/14/1996 for "Real-time document collection search engine with phrase indexing".
- US Pat. 5,920,859 (Li) filing date 2/02/1997 for "Hypertext document retrieval system and method".
- APS Search Tools - Patent Search Client Strategy publishing date 9/17/1997 by US Patent & Trademark Office.
- Frequently Asked Questions NT Image Search & Retrieval (IS&R) modified 12/04/1997 by US Patent & Trademark Office.
- Chapter 1 - Introduction to Dialog, pp.1-1 to 1-14 by Dialog Information Service, Inc.
- "Automated Patent System (APS) Workstation Reference Manual published on 7/01/1996 by US Patent and Trademark Office.

- Pelline, "New search engine goes commercial", by CNET NEWS.COM published on 2/18/1998.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:00 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344. Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

**(703)305-7687 [Official communications]**

or 703-746-5572 (RightFax)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Receptionist's telephone number: (703)308-1113.

*Cuonghnguyen*  
Primary Examiner  
June 15, 2003